

Legal Writing on the Move

The following is the text of Susan Hanley Kosse's opening remarks at the LWI conference held in Atlanta in June 2006.

Good Morning. I'm Susan Kosse, President of the Legal Writing Institute, and I am here to welcome you to the 2006 Biennial Conference of the Institute. First, let me thank Jennifer Chiovaro, Dean Kaminshine, Georgia State, and all the Georgia law schools for hosting us. The opening reception was fantastic and we appreciate your warm southern hospitality.

Also before continuing, I want to thank Terry Seligmann, our outgoing President. We owe her a debt of gratitude for leading us these past two years. Terry is a model of professionalism and calmness. During my years as co-chair of the Seattle conference with her and now as one of her board colleagues, I have never seen her rattled even when dealing with hot topics. She leads with a soft, gentle approach that

all of us appreciate. Terry, please accept this gift as just a small token of our appreciation for all that you have done for us and this organization.

As you know the theme of the conference is "Legal Writing on the Move." This theme is perfect on so many levels. For some of the over 550 participants here (and that is an all time record for a LWI conference) you are moving into the field of legal writing for the first time. If you have joined the field of legal writing within the past two years or if this is your first conference, please stand up so we can publicly acknowledge and welcome you. We are so glad you are here and let me warn you that my first conference was just six years ago and now I am the president!

For others, we are moving forward either by enjoying more job security at our schools, taking on administrative roles within our schools, or becoming recognized as outstanding teachers and scholars. And as we move forward we are reaching more and more milestones. This year we received many joyful announcements of our members becoming tenured. We also received news of teachers winning university and community awards as well as placing articles in top journals and authoring books. Our members also stay on the move hosting international conferences on legal writing, planning symposia on writing-across-the-curriculum, and helping their schools comply with the new ABA standards.

We have some members among us who take this moving idea literally and are moving within the profession to new schools. Our own institute has recently moved from Seattle to Mercer. For those members moving this year, we wish you good luck at your new law schools.

Finally, we have members now beginning to move beyond the profession without leaving it behind. I am excited that the Peak Years track planned by Anne Enquist will provide an opportunity for our most experienced members to share and discuss the many innovative ideas they have for making the most of their careers.

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So, as you can tell, this is a fantastic time to be part of legal writing and I can assure you the Institute is ready to keep on moving with you. Our newly elected board just finished a retreat with the outgoing board and I hope you will watch the listserv and *The Second Draft*, as well as come to the member meeting on Friday at lunch, for news on many exciting initiatives. We don't plan to sit still and we will be calling on many people to make sure we forge ahead to meet these goals.

Now it is time for me to get on the move but I

have one more very special person to thank who will lead us in thanking the many other people who put this conference together. Please join me in thanking the person who spearheaded the selection process of all the exciting sessions you will attend, who drafted and edited the brochure, and who oversaw the evaluation forms, the plenary sessions, and every other detail and issue that comes up daily when planning a conference this big. It is with deep appreciation, admiration, and gratitude that I introduce Cliff Zimmerman. Thank you.

From the Editors

Congratulations and thanks to all those who worked so hard to make the 12th Biennial Conference of the Legal Writing Institute in Atlanta such a terrific success. The conference certainly lived up to its name, "Legal Writing On the Move," and its record number of participants (550) shows that ours is a specialty on the move in many ways. This proceedings issue covers part of the work and collaboration that took place in June in Atlanta, and we hope that it will be especially useful to those who were not able to attend the conference.

At The Second Draft, we were inspired to build upon the "on the move" theme, and to translate it to the classroom; consequently, the next volume of The Second Draft will be dedicated to helping our students make the transition from learning to lawyering: "From Law Student to Lawyer: Classroom Preparation for the Practice of Law." We look forward to learning how you help your students on their move from the classroom to the conference room or courtroom, and continue to be inspired by the energy of the LWI and its members and leaders.

The Editors

Stephanie Hartung

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Samantha Moppett

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THE LEGAL WRITING INSTITUTE

The Legal Writing Institute is a non-profit corporation founded in 1984. The purpose of the Institute is to promote the exchange of information and ideas about legal writing and to provide a forum for research and scholarship about legal writing and legal analysis.

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The Second Draft is published twice yearly and is a forum for sharing ideas and news among members of the Institute. For information about contributing to The Second Draft, please visit the Institute's website at www.lwionline.org.



The President's Column

*Susan Hanley Kosse,
Louis D. Brandeis
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- Compile an archive of LWI records and documents
- Update the website with commonly asked topics
- Expand the Idea Bank to include materials for casebook faculty
- Develop more support for experienced teachers
- Expand our outreach into the practicing bar

Hello! My name is Susan Kosse and I am happy to serve as the President of LWI for the next two years. Although that statement scares me a bit, I know there are many, many people who will help and guide me along the way. Thus my trepidation gives way to excitement because I am confident together we can accomplish wonderful things.

Before I share with you some of the exciting initiatives we discussed at our most current board meeting, I thought I would introduce myself. I grew up in Louisville, Kentucky, attended Miami University, and returned to Louisville for law school. I practiced with an insurance defense litigation firm for a year and a half before joining the University of Memphis faculty (Memphis State back then) as an adjunct professor teaching legal research and writing. In 1997, I started teaching at my alma mater, the Brandeis School of Law (University of Louisville) and have been there ever since. I primarily teach writing and analysis but have also taught Administrative Law, Negotiable Instruments, Criminal Law, and Education Law. I am very involved in my local and state bar associations as well as my church. But most importantly, I am a mother to three daughters: Maria 13, Catherine 12, and Emily 10.

So, what can you expect from LWI in the next two years? Fortunately, many great leaders have gone before us and given LWI a solid foundation. We are now over 1800 members strong! We have a biennial conference that rivals any conference in the nation. Thank you again to Cliff Zimmerman and all the Georgia law schools for another outstanding conference this past June. Our organization has helped countless professors around the globe become better legal writing teachers. But we don't want to stop and rest on our laurels. Much can still be done. We are on the move! The board has made a commitment to:

To achieve these ambitious goals (and many more) we need your help. I am committed to involving new people on every committee and project. Enough work exists to keep us all busy so I am asking for your assistance. If you would like to take a more active role in LWI please email me at susan.kosse@louisville.edu. I promise I can get you involved in an exciting and fulfilling project. Don't delay—email me today.

I look forward to working with all of you these next two years. Please do not hesitate to contact me with any issues or concerns!

Call For Submissions

The Spring 2006 issue of The Second Draft will focus on practical lawyering skills: "From Law Student to Lawyer: Classroom Preparation for the Practice of Law." We encourage your submissions on the topic of preparing students for the specifics of daily practice. Please review the submission guidelines, which can be found at www.lwionline.org, prior to submitting your article to Lisa Healy at lisa.healy@suffolk.edu. We request that you limit your submissions to approximately 650 words. The deadline for submissions is October 2, 2006, and we regret that we cannot accept submissions received after that date.

Highlights of the 2006 ALWD/LWI Survey of Legal Writing Programs



*Philip Frost,
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Note: The data referred to in this article is from the Association of Legal Writing Directors/Legal Writing Institute 2006 Survey Results (prepared by the 2006

ALWD/LWI Survey Committee, Philip Frost and Kenneth Chestek, Co-Chairs), reported at www.alwd.org and www.lwionline.org). In the interest of brevity, survey question references and footnotes have been omitted.

Introduction

The Association of Legal Writing Directors/Legal Writing Institute 2006 Survey continued to generate a very high level of response and support from the legal writing community and to provide comprehensive data on legal writing programs. A record number of 184 schools participated in this year's Survey, with a record response rate of over 94% (up from 93% in 2004 and 2005). This year's pool of solicited schools was the largest ever, 194 schools (including all U.S. AALS Member law schools and AALS Non-Member Fee-Paying schools as well as the University of Windsor in Ontario, Canada).

Program Staffing, Structure, and Content

In the 2005-2006 academic year, the staffing, structure, and content of legal research and writing (LRW) programs remained similar to prior years. Most programs used full-time nontenure-track teachers (84 programs or 45.6% of responses to this question), a hybrid staffing model (56 or 30.4%), or adjuncts (23 or 12.5%). Eight programs used solely tenured or tenure-track teachers hired specifically to teach LRW, and another 8 programs used such teachers to teach LRW and other courses. Thirty-one programs reported having assistant directors. All of these numbers are comparable to those in 2005.

Virtually all LRW programs extended over two semesters, averaging 2.31 credit hours in the fall and 2.16 hours in the spring. Fifty-one programs had a required component in the fall of the second year, averaging 2 credit hours. Almost all LRW courses were graded, with grades included in the students' GPA (158 programs, compared to 148 in 2005). Most programs graded at least some assignments anonymously (109), but 72 programs did not. One hundred sixty-two programs required rewrites of assignments, with 68 of those requiring rewrites on all assignments, 86 grading all drafts and rewrites, 52

grading only rewrites, and 15 grading only drafts.

The great majority of programs (149) integrated research and writing instruction. At 84 schools LRW faculty taught legal research. At 43 schools, research was taught by librarians, at 55 schools by both LRW faculty and librarians, and at 25 schools by teaching assistants and other students.

Drafting instruction has become a significant part of LRW programs. Drafting in a nonlitigation setting was taught at 72 schools as a full-semester, elective LRW course, at 19 schools as a required LRW course, and at 60 schools as part of a required or elective LRW course. Separate nonlitigation drafting courses were generally given 2 credit hours (39 programs) or 3 credit hours (15 programs), and offered only after the first year. When this subject was taught as part of a required LRW course, 5.7 hours, on average, were devoted to it, and instruction occurred both in and after the first year. The documents most frequently covered were contracts (covered in separate required courses in 41 programs, and as part of LRW in 20 programs). Separate courses also covered estate planning, corporate, or real estate documents, and legislation in 26 to 31 programs. Forty-six schools offered an upper-level elective course on contract drafting, which was taught by doctrinal faculty in 20 programs, by full-time or adjunct LRW faculty in 21 programs, and by adjunct non-LRW faculty in 15 programs.

In addition to writing faculty, 53 law schools had a full-time or part-time writing specialist, 144 schools offered an academic support program, and 120 schools had student teaching assistants helping students with their writing.

Assignments and Teaching

LRW Programs continued to report many common types of instruction. The most common writing assignments were office memoranda (182 responses), appellate briefs (150), pretrial briefs (107), and client letters (100). The most common oral exercises were appellate arguments (147), in-class presentations (82), and pretrial motion arguments (74). The most common methods of commenting on papers were comments on the paper itself (182), comments during conferences (159), comments at the end of the paper (151), general feedback addressed to the class (134), grading grids or score sheets (117), and feedback memos addressed to individual students (109).

The most common reported teaching activities were lecture (171 programs spending an average of 32% of teaching time), questions and answers and class discussion (169 programs spending 24% of teaching time), group in-class exercises (161 programs spending 16.83% of teaching time),

demonstrations (152 programs spending 11.61% of teaching time), individual in-class exercises (154 programs spending 10% of teaching time), and in-class writing (139 programs spending an average of 8.38% of teaching time).

Fifty-seven programs had web pages, up from 47 in 2005. Class email or listserv continued to be popular during the 2005-06 year, with 163 programs using them and reporting a 4.41 average satisfaction rating (out of a possible 5). Ninety-three programs used course web pages, with a 3.97 average satisfaction rating. An increasing number of programs made use of electronic “smart” classrooms. In 2006, 123 programs used “smart” classrooms (compared with 112 in 2005 and 97 in 2004), with a 4.07 average satisfaction rating.

At the time of the survey, 53 programs planned to teach citation for the next academic year using only the ALWD Citation Manual (compared to 56 in 2005), 98 programs planned to teach using only the Bluebook (compared to 89 in 2005), 16 planned to teach both methods, 9 planned to leave the choice to each teacher, and 7 planned to either teach a different system or were undecided as to which system they would teach.

Salaries

Salaries for directors and LRW faculty showed continued improvement in 2006. The average director’s salary in 2006 was \$92,637, up from the 2005 average of \$89,389, and continuing the upward trend since 2001. The average director’s experience remained relatively constant. In 2006, the average director graduated from law school 20.35 years ago (compared with 20.54 years in 2005), taught in a law school for 12.78 years (compared with 12.67 years in 2005), and directed at her current law school for 8.16 years (compared with 8.20 years in 2005). Average directors’ salaries reported by region ranged from a high of \$129,288 in the New York City & Long Island Region to a low of \$76,580 in the Northwest & Great Plains. Other regional averages were: Far West \$97,971; Northeastern (excluding NYC and Long Island) \$101,428; Mid Atlantic \$94,408; Great Lakes/Upper Midwest \$89,851; Southwest and South Central \$86,071; and Southeast \$81,681. The average reported salary for an assistant director was \$77,708, a substantial increase from \$70,816 in 2005.

The average LRW faculty member’s salary also increased in 2006, continuing the trend since 2001. In 2006, salaries ranged from an average low of \$54,015 to an average high of \$65,321 with an overall average of \$59,668. In 2005, salaries ranged from an average low of \$51,587 to an average high of \$61,641 with an overall average of \$56,579. Average salaries for LRW faculty by region ranged from a high of \$68,298 in

the Northeastern Region (excluding New York City and Long Island) to a low of \$46,500 in the Northwest & Great Plains. Other regional averages were: New York City and Long Island \$55,000; Southeast \$63,125; Far West \$60,659; Mid Atlantic \$58,674; Great Lakes and Upper Midwest \$57,374; and Southwest and South Central \$55,574.

In 2006 the average entry-level salary was \$50,995 for LRW faculty without teaching experience, \$54,600 for faculty with 1 to 3 years of teaching experience, and \$57,082 for faculty with more than 3 years of experience.

Salary Variation by Region and Program Structure

In 2006, salaries were highest for directors in urban areas, but highest for LRW faculty in suburban areas. Average salaries were higher for directors at private law schools (\$95,095) than at public law schools (\$89,426), and higher for LRW faculty at private law schools (\$60,563) than at public law schools (\$58,484).

Average directors’ salaries were highest in adjunct-taught programs (\$97,808, compared to \$102,730 in 2005) and programs with complex hybrid models (\$96,958, compared to \$92,332 in 2005). Average directors’ salaries in programs with nontenure-track LRW faculty were \$88,439 (compared to \$84,312 in 2005) and in programs with part-time faculty were \$88,167 (compared to \$82,833 in 2005). Directors’ salaries were lowest in programs with tenured or tenure-track LRW faculty (\$85,100 in 2006, compared to \$87,000 in 2005). (But there were relatively few responses in the tenure-track and part-time categories.) For LRW faculty, average salaries were highest if the faculty were tenured or tenure-track (\$78,875 in 2006, compared to \$74,600 in 2005), in a mid-range for hybrid programs (\$61,609 in 2006, compared to \$59,901 in 2005) and lowest for full-time nontenure-track faculty (\$55,781 in 2006 compared to \$52,649 in 2005).

Directors’ average salaries were highest if they were administrators or faculty and their primary responsibility was not LRW (\$124,000 in 2006 compared to \$116,750 in 2005), and next highest if they were tenured and their primary responsibility was LRW (\$111,911 in 2006 compared to \$110,087 in 2005). Following next were clinical tenured or tenure-track directors (\$100,881 in 2006 compared to \$98,951 in 2005) and untenured tenure-track directors if their primary responsibility was LRW (\$84,181 in 2006 compared to \$87,604 in 2005). Nontenure-track directors earned the lowest salaries (\$82,542 in 2006 compared to \$77,799 in 2005). LRW faculty average salaries in 2006 were highest when their director had clinical tenure or was on clinical

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tenure-track (\$67,250). They were in a mid-range when the director was untenured tenure-track (\$61,400), tenured (\$60,999), or was an administrator with primary LRW responsibility (\$59,850). They were lowest if that administrator did not have primary LRW responsibility (\$46,375).

Job Security, Contract Terms, and Titles

In general, LRW directors and faculty had increased job security and longer contract terms in 2006. There were more reported tenured directors in 2006 than in 2005 (36 versus 32) and the same number of tenure-track directors (17). In addition, 9 directors had clinical tenure or clinical tenure-track status. Thus, a total of 62 directors were tenured or on tenure track (including clinical tenure). There were 66 directors with primary responsibility for LRW who were not on tenure track (versus 63 in 2005). (However, there were more survey responses in 2006 than in 2005.)

LRW faculty in most programs continued to have short-term contracts, but of longer length. In 2006, 54 programs reported having one-year contracts (versus 56 in 2005), 20 had two-year contracts (versus 18 in 2005), and 53 had contracts of three years or more (versus 44 in 2005). Faculty in 28 programs had ABA Standard 405(c) status (versus 31 in 2005) and another 10 had faculty on ABA Standard 405(c) status track (versus 5 in 2005). (Note that ABA Standard 405 (c) changed in 2005.) Twenty-five programs had tenured or tenure-track faculty (versus 24 in 2005). The overwhelming majority of those on contract had no cap (116 of 127 or 91%, comparable to 2005).

Eighty-nine of 142 programs responding (62.7%) reported using written standards to evaluate LRW faculty, 23 more programs had such standards under development, and 30 had no written standards.

Program directors at 123 responding schools had a form of “Professor” in their official title, and 67 schools used the title of “Director.” For LRW faculty, most schools continued to use some form of “Professor” in their official title (101 responding schools), 29 used “Instructor,” 20 used “Lecturer,” and 22 used some other title.

Teaching Workload

Director and LRW faculty workloads remained roughly comparable to prior years. In the fall semester of the 2005-06 academic year, each director on average taught 39 entry-level students 2.96 hours per week using 3.23 major and 4.17 minor assignments, read 1,204 pages of student work, and held 40.47 hours of conferences. The spring semester workload was comparable. These numbers are all comparable with those reported in the 2005 survey,

except the average number of students taught per semester increased by 3.6. Directors spent an average of 42.7 hours preparing major research and writing assignments and 55.12 hours preparing for classes in the fall and slightly less time in the spring. Directors spent 29% of their time teaching in the required program, 25% on directorship duties, 16% teaching outside the required program, 11% on service, 9% on scholarship, 5% on academic support, and 5% on “other” activities.

In the fall of the 2005-06 academic year, the “average” LRW faculty member taught 44.13 entry-level students 3.73 hours per week using 3.24 major and 3.6 minor assignments, read 1,585 pages of student work, and held 49.39 hours of conferences. The spring semester workload was comparable. The student load was slightly under the maximum of 45 students recommended by the 1997 ABA Sourcebook on Legal Writing Programs (in 2005 it was slightly over). The other 2006 numbers and averages were comparable with those reported in 2005. LRW faculty spent an average of 34.47 hours preparing major research and writing assignments, 65.1 hours preparing for classes in the fall, and slightly less combined time for these activities in the spring.

Many directors taught courses beyond the required LRW program (103 of 155 responses, or 66.4%). In 92 programs directors taught an average of .73 upper-level writing course and 1.28 non-LRW courses. LRW faculty also taught other courses (113 of 140 responses, or 80.7%), including both upper-level LRW courses (65) and non-LRW courses (94), during the regular academic year (91) or separate summer sessions (78).

Scholarship Obligations and Faculty Support

There was an obligation for directors to produce scholarship in 51 of 151 programs responding (33.7%), there was an expectation they would do so for 32 programs (21.2%), and for 68 programs (45%) there was no such obligation or expectation. For LRW faculty, there was an obligation to produce scholarship in only 20 of 138 programs responding (14.5%), an expectation in 15 programs (10.9%), no obligation or expectation in 72 programs (52%), and encouragement in 32 programs (23%).

Seventy-nine programs reported that LRW faculty were eligible for summer grants averaging \$7,462, comparable to the numbers in 2004 and 2005. The vast majority of schools responding (114 of 133, or 85.7%), provided LRW faculty with developmental funding (to attend conferences, buy books, etc.) averaging \$2,162, comparable to the numbers in 2005. Over 75% of programs (103 of 136) provided LRW faculty with funding for research assistants, with 89 providing funding for all

reasonable requests and 14 providing limited funds, at an average amount of \$1,516 (compared to \$1,325 in 2005).

Gender Differences

Like earlier surveys, the 2006 Survey continued to reflect differences along gender lines. Female directors earned less than male directors when measured by: twelve-month salaries (\$90,837 female; \$92,844 male) and nine-month salaries (\$90,037 female; \$103,673 male); or combined twelve-month and less than twelve-month salaries (\$90,306 female; \$98,968 male). Female directors had a slightly lower range of salaries than males (\$55,000 to \$171,150 female; \$60,000 to \$175,000 male). Females with comparable years of experience directing at their present schools earned less than male directors (85-99% of male salaries). A greater number but lower percentage of females than males earned more than \$100,000 (34 of 104 females, or 33%; 16 of 37 males, or 43%). The number and percentage of females earning more than \$100,000, however, rose from 2005, when 30 out of 104 (or 29%) earned such salaries.

Salaries for LRW faculty were generally lower in programs headed by female directors. The averages at the low end of the range were \$53,131 with a female director and \$57,072 with a male director. The averages at the high end of the range were \$63,417 with a female director and \$71,905 with a male director.

Female directors were also tenured at a slightly lower rate than male directors (23% of females; 25% of males). The percentage of tenure-track female directors was much lower (7% of females; 23% of males). Significantly more female directors were on contract than male directors (54 or 47% of females; 12 or 30% of males).

A lower percentage of female directors than males taught courses beyond the required writing course (62% of females; 76% of males). The overall percentage of female directors teaching upper-level courses was comparable to the 2005 data. More female than male directors taught academic support as their only upper-level course (5 or 4% of females; 1 or 3% of males).

The percentages of female and male directors eligible for leave, sabbaticals, or reduced load were roughly comparable. Female directors were equally eligible for paid sabbaticals (34%), less eligible for unpaid sabbaticals (12% of females; 18% of males), and slightly more often eligible for other leave and reduced loads (47% of females; 44% of males).

Fewer females than males had "Professor" as their official title (54% of females; 62% of males). Many more females (53 or 31%) than males (13 or

25%) had "Director" as their official title.

Law School Administration

Both directors and faculty in most legal research and writing programs were significantly involved in the administration of their law schools, and they had significant but still limited voting rights. The vast majority of directors served on faculty committees as voting members (143 of 158 responses, or 90.5%). For LRW faculty, those in 111 of 139 programs (80% of responses to this question) served on faculty committees, with 104 schools (74.8%) affording committee voting rights.

The vast majority of directors who were not on tenure track attended faculty meetings (92 did, only 5 did not, and 29 respondents did not know). Of those who attended faculty meetings, only 13 voted on all matters, with 55 voting on all but hiring, promotion, or tenure. LRW faculty attended faculty meetings at 128 schools. At 28 schools they voted on all matters, at 57 they voted on all matters except hiring, promotions, and tenure, and at 43 schools they did not have any voting rights.

Fellowship Programs

For the first time the survey collected data on fellowship programs, with 7 schools reporting such data. Two of those programs gave an advanced degree. All of the programs reported that their fellows were given support and time for scholarly research and writing, and were given training in teaching legal writing. Half gave the opportunity to teach a non-LRW course or seminar in addition to teaching LRW, and 5 of 7 gave mentoring for non-LRW teaching and scholarship. Five reported tenure-track placements of former fellows (with a median of 75% of fellows so placed) and 3 reported placements with ABA Standard 405 (c) status (with a median of 20%).

ABA Standard 405(c)

The 2006 Survey also asked several questions about the new amended ABA Standard 405(c), which changed the definitions of faculty contracts meeting that standard. Sixty-three schools reported that prior to the 2005 amendment they had faculty contracts which met Standard 405(c), 57 said they did not, and 41 did not know. Since the amendment, a majority of schools responding reported that they have not considered changing such contracts to meet the new standard (49 schools) or have decided not to make such changes (4 schools). Twenty-one are considering changes, 16 have changed their contracts' length to meet the new standard (now 5 years instead of 3). Five have changed their contracts

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to make them presumptively renewable and 9 have implemented another arrangement sufficient to ensure academic freedom (these are other requirements of the new standard).

Conclusion

Like prior surveys the 2006 ALWD/LWI Survey is a snapshot of changing programs. While statistics vary from year to year, on the whole they appear to show continued improvement in the salary, status, and working conditions of LRW faculty and program directors, as well as continued expansion in legal writing programs. A majority of programs report using the Survey as a tool to aid that improvement and expansion. The Survey Committee hopes that the Survey continues to be such a useful tool.

Archive Committee Report

*Steve Johansen, Lewis & Clark
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What's been done:

I met with Mary Lawrence earlier this spring and went through many of the documents she has collected from the early years of LWI. These documents include the first few editions of the newsletter, announcements of early conferences, and numerous other documents. Mary also has other documents in storage at the University of Oregon that we plan to go through later this summer. Mary gave me the documents that seemed to be of historical interest and we will donate them to LWI, assuming we can find a suitable site for the archives and, more importantly, a suitable, consistent person to be the archivist for the foreseeable future.

Mary and I also plan to travel to Seattle to go through whatever records may still be there. I

understand from talking to Lori Lamb that she has copies of most of the conference brochures. Most of the LWI records were shipped to Mercer after it became the host school.

What needs to be done:

In the next few years, we need to preserve the records of the early years of the Institute and set up a process for maintaining our records into the future. While much of the archives are best preserved on-line, we should also preserve hard copies of documents that are of particular significance. I suggest that the Committee needs to take the following actions:

1. Select a site to house the archives and someone to serve as archivist. (This should probably be a Board decision and not left to the Committee.)
2. Sort through our existing records and determine what documents should be archived.
3. Create an index for the archives.
4. Create an electronic archive with a link from the LWI home page.
5. Establish a process for maintaining the archives in the future, assuring that the archivist continues to receive copies of relevant documents.

Thomas F. Blackwell Memorial Award Committee Report

*Ruth C. Vance,
Valparaiso University School of Law*

This report documents the Thomas F. Blackwell Memorial Committee's work.

The Committee members were: Ruth C. Vance, chair; Lisa Blackwell (Appalachian Law School); Richard Neumann (Hofstra); Pam Lysaght (Detroit-

Mercy); Ralph Brill (Chicago-Kent); Brad Clary, ALWD President (Minnesota); and Terry Seligmann, LWI President (Arkansas).

The call for nominations for the 2005 Award went out April 21, 2005, and nominations closed May 27, 2005. The Committee chose Mary Beth Beazley (Ohio State) to receive the Award. Brad Clary announced Mary Beth Beazley as the recipient of the Award at the ALWD meeting. The award was presented to Mary Beth at the AALS meeting on Friday, January 6, 2006, in conjunction with the Golden Pen Award ceremony. Darby Dickerson gave the congratulatory remarks. Mary Beth received an office lamp in addition to the \$1,000 award. She also received a certificate suitable for framing.

The Committee decided that in future years the Award recipient will receive an illuminated plaque instead of the paper certificate, as there is no engraving on the lamp to indicate that it is an award. The Committee will probably hold nominations in the fall when classes resume, to choose the award recipient who will be honored at the 2007 AALS meeting.

Bylaws Committee Report

*Mary Garvey Algero,
Loyola University New Orleans
College of Law
Sharon Pocock,
Touro College Law Center
Tracy Bach, Vermont Law School*

Our Committee was charged with looking into some suggested changes to the bylaws and proposing changes based on those suggestions. Below you will find the issues we considered and our suggestions. We would be happy

to continue to research and develop any of these ideas should that be desired. Responses to our call for comments during the month of May were minimal, perhaps because members were involved in grading and preparing for the LWI conference.

I. LWI Bylaws-Board of Directors-Length of Term (Sharon Pocock)



Discussion of the four-year term being changed to a two-year term

Approximately five individuals submitted comments on the proposed change in term length.

There is a general recognition that the four-year term allows directors more time to learn what the Board has done and is doing and more time to participate competently. There is also a general recognition that shorter terms would allow more persons to participate on the LWI Board and would promote the infusion of ideas from more individuals, while at the same time reducing the time commitment and other burdens of those serving as directors.

Only one person (who has served as a director) strongly advocated maintaining a four-year term. That person noted that becoming a director is akin to walking into the middle of a conversation, such that new directors need the time of a four-year term to become aware of what is going on and to participate competently. That commentator also noted that two-year terms could negatively affect the amount of work that the LWI Board accomplishes.

Two commentators (also past Board members) advocated a term shorter than four years. One noted that individuals can run for re-election and that staggering terms could provide the necessary continuity. The other commentator noted that service on the LWI Board involves not only a time burden but a burden in terms of cost, such as seeking extra travel money from one's home school for Board retreats and meetings preceding a conference (for example, school support then cannot be used for other conferences). In addition, a number of schools are changing legal writing positions to tenure-track or changing the requirements for continued appointment, emphasizing scholarship more than service. Thus, a director could face a significant change in requirements of employment yet still be committed to several more years on the Board.

One commentator noted that to ensure continuity and efficiency, the bylaws could be amended to provide that an outgoing LWI President serves one

two-year term on the Board immediately upon stepping down as President. Given that such an individual would have a minimum of four years working with the Board (two as President and two as President-elect), this may be a good solution to the continuity problem posed by the reduction in length of term.

As both the legal writing field and LWI have grown over the years, with more individuals staying in the field because of greater job security, a shorter term for Directors would allow more individuals to participate in an important professional organization.

Suggested Revision to Article IV.B.

Terms. Directors-at-Large are elected for two-year terms. The term of a Director begins at the Biennial Board Meeting of the year the Director was elected and expires at the start of the Biennial Board Meeting of the year in which the Director's term ends. For example, a Director-at-Large elected in 2008 will serve from the Biennial Board Meeting in the summer of 2008 until the start of the Biennial Board Meeting in the summer of 2010. A Director-at-Large who has served on the Board for three consecutive terms is not eligible for re-election until two years after expiration of the third term.

If a slot on the Board is to be reserved for the outgoing LWI President to provide continuity, the paragraph on Classes of Directors would also need to be changed:

Classes of Directors. There are three classes of directors: Directors-at-Large, the Host School Law Director, and the Past-President Director. The Board shall consist of fifteen directors, thirteen Directors-at-Large, the Host School Director, and the Past-President Director.

II. Reserving a Spot on the Board for Newer Members (Mary Garvey Algero)

This change is meant to ensure that the Board will always have at least one representative chosen from among those members who have been members of LWI for fewer than six years as of the date of the election. The change is not meant to restrict election to just one newer member. This proposed change should encourage new members to get even more involved in LWI. When an election is held, the election information will indicate that a spot has been reserved for a newer member as defined above. Candidates will be told to indicate with their personal statements how long they have

been members of LWI. This information need not be part of a personal statement. When votes are counted the top vote getter from among the candidates who have been members of LWI for fewer than six years will be elected to the Board. The remaining positions will be given to the next top vote getters from all candidates. The provision below in bold shows the proposed changes to the bylaws.

Nomination and Election Procedures for Board Members.

Nomination. A member may nominate her- or himself or any other member for election to the Board. A member may nominate more than one person for election to the Board, but may not nominate more than 5 people, including him-herself.

Election of the Board of Directors. Each member in good standing on February 15 of the year in which the biennial meeting takes place is entitled to vote in the election of the Directors. The Secretary shall determine good standing. Voting for Directors shall take place by ballot through regular mail or through electronic means in accordance with policies and procedures which may be adopted by the Board. Each member may cast one vote for each of the directorships being filled. Only one vote may be cast by each member for a candidate; cumulative voting is not allowed.

Timing and Procedures. The election of the Directors is to be conducted in the spring of even-numbered years preceding the Biennial Board Meeting. The procedures to be followed may be established by the Board or a committee created by the Board. In general the election procedures should comply with the following guidelines: Nominations should be sent to the Legal Writing Institute at its principal office or to the Secretary by February 15 of the year of the election or to the chair of the elections Committee. Ballots should be sent to members around March 15 of that year. Completed ballots should be sent to the Legal Writing Institute at its principal office or to the Secretary by April 1 of that year. The Board may permit voting by regular mail, by email, or by other means in accordance with the policies and procedures adopted by the Board.

One position on the board of directors is reserved for a member in good standing who has been a member of LWI for fewer than six years as of the date of the election. The candidate member who satisfies this criterion and receives the most votes from among all candidates who satisfy this criterion is elected to the Board. The remaining six (or five, if the President-Elect would otherwise be a candidate for election for that term) candidates, from the pool of all candidates, receiving the most votes are elected to the Board.

III. Changing Elections of Board Members from Every Two Years to Every Year (Tracy Bach)



The LWI Bylaws Revision Committee was asked to consider several changes, including 1) reserving a board seat for newer members/LRW professors, 2) shortening the directors' terms from 4 to 2 years, 3) electing directors annually and rotating 1/3, and 4) changing how the executive committee is selected. The gist of these proposals is to increase participation in the LWI Board, so that its decisions best reflect the concerns of its membership. This memo will focus on the second and third proposed changes, given how interrelated they are. For example, shortening the term to 2 years requires changing from biennial to annual elections, to avoid wholesale turnover every 2 years.

The current bylaws establish 4-year terms for directors, with 7 of the 15 board members elected in years evenly divisible by four (e.g. 2000, 2004, 2008) and another 7 elected in even years not evenly divisible by four (e.g. 2002, 2006, 2010). In this manner, board members overlap a minimum of 2 years. (The degree of overlap could be greater, given that the bylaws permit reelection twice.) The current board includes 7 directors whose terms last until 2008; 7 who were elected last month and whose terms last until 2010; and the host school director.

Mary Garvey Algero's mid-May listserv posting elicited responses from three LWI members, all of whom have served on the Board. One member thought that changing terms from 4 to 2 years was a "bad idea," because the Board doesn't get much done in that short amount of time and because more frequent elections could result in loss of continuity. Another member took the completely opposite position, finding 4 years to be "interminably long" and focusing on individual members' competing demands for travel money and time (e.g. scholarship) rather than board governance concerns. A third member felt that a 2-year term was sufficient, given that directors may run for reelection; this member also noted that having annual elections would permit staggering of terms.

In addition, my email "conversations" with two other Board Members emphasized a tension that leaders in LWI currently feel: including as many people as possible in the organization's governance while also ensuring continuity on the board.

My research has led me not to specific language revisions but rather to a series of questions that I

encourage the current Board of Directors to consider when debating these potential bylaws changes.

Does LWI want to run annual elections?

To shorten the terms from 4 to 2 or 4 to 3 years will require switching from holding elections every other year to conducting them every year. This necessarily means more organizational resources invested in elections rather than other activities. Current LWI President (and former Secretary) Susan Kosse reports that the recent 2006 elections required her to make a few listserve announcements, keep a file of nominations, and pull all of the nominees' statements together. In the end, the Board will need to decide if the additional administrative time required for running annual elections is worth it.

Will shortening directors' terms to 2 years achieve greater participation and inclusion?

If directors serve one 2-year term and regularly choose not to stand for reelection, then a larger number of LWI members will serve as directors. But if a fair number seek at least one additional term, then the greater participation rate decreases. Given the number of LWI Board Members to date who find a 4-year term reasonable, it's likely that some number of directors will want to continue their service beyond 2 years.

As Sharon's last paragraph correctly notes, changes in the legal writing field have led to an increase in experienced LRW professors willing and able to participate in professional service. But there are a number of ways that LWI members may participate in the organization other than serving on the Board. For example, members may serve on LWI subcommittees, serve on editorial boards of journals and newsletters, and give presentations at national and regional conferences. They may also volunteer in similar ways with organizations like ALWD and the AALS Section on Legal Research, Analysis, and Writing. Thus when seeking to enlist more active participation in professional service organizations like LWI, it's important to remember that serving on the Board of Directors is only one means to this end.

Will shortening directors' terms to 2 years affect the Board's ability to do its work effectively?

This question strikes me as an awfully important one for the Board to ask itself. As chronicled above, one Board member believes that 2 years does not provide enough time to accomplish much and also threatens continuity. A former Board member felt that staggering the 2-year terms ensured adequate continuity via the 1-year overlap. This question of sufficiency turns on the Board's activities, their timeframes, and the meeting schedule, all of which have been shaped to date by the 4-year term. For

example, the Bylaws envision biennial in-person meetings as well as special meetings via conference call and email (as well as in-person, if feasible). For those directors elected this spring, this would mean at least two face-to-face meetings with other Board members during their first terms; if those directors had been elected for 2-year terms and chose not to seek reelection, they would only experience one full group meeting in person. In addition, the change from 4- to 2-year terms also decreases by half the potential for overlap of outgoing and incoming directors, with the concomitant impact on the Board's continuity of work.

What other options exist to increase broader participation in the Board?

Several options other than shortening terms exist. For example, a different section of this Committee's report recommends reserving a seat for a LWI member of less than 6 years. Another strategy is to maintain the 4-year term but limit reelection to once or forbid it entirely (with the outlet for Board officers to stay on for an additional term, although if the officers' terms were themselves limited to one year or two, these could be achieved within a 4-year term). Yet another option is to move from 4-year to 3-year terms, with annual elections (see #1 question above) and with staggered terms so that only 1/3 of the board rotated off each year (e.g. if we were operating on a clean slate right now, those elected for a 3-year term in 2006 would finish in 2009; those elected in 2007 would finish in 2010; and those elected in 2008 would finish in 2011). Moving to multiples of three weakens the connection to the biennial meeting and doesn't cleanly divide the current board number (14).

In addition to considering the above questions, the Board should keep in mind that any Bylaws changes will require a transition period. For example, as noted above, the current directors have already been elected to terms that last until 2008 and 2010.

Although I've never served on the LWI Board, my ideas about length of service are informed by participation on several public and private non-profit boards. I approach each volunteer commitment with a 4 – 5 year window, allotting 1 year to figure things out, the next 2 - 3 years to really help the organization (and perhaps assume some level of leadership), and then a last year of finding a successor. A 2-year service seems short to me, in terms of Board members getting to know one another well enough to really act as a group. Even having annual elections and staggering these 2-year terms so that there is overlap, that only leaves 1 year

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of figuring things out and then maybe one year of being in a position to chair a committee. This seems like a lot of coming and going, especially in a group that doesn't regularly meet in person.

My opinion is also influenced by my experience running for the Board this year. Although I wasn't elected, I didn't perceive being boxed out by a

relatively static "old guard." I instead took my desire to serve the legal writing community into other directions, including serving on this committee and on an AALS section committee. It strikes me that there are multiple avenues for including folks in important LWI activities and that serving on the Board is merely one of them.

Conference Report

Cliff Zimmerman, Northwestern University School of Law



This 2006 Conference (June 7-10) marked the Institute's twenty-second anniversary and the first with the new LWI host school, Mercer University Walter F. George School of Law. The conference was held in Atlanta, GA, at Georgia

State University School of Law, and hosted by Mercer, Georgia State, and the other Georgia law schools; Emory University School of Law, University of Georgia School of Law, and John Marshall Law School, Atlanta. The conference was record breaking in its size with 555 attendees representing over 150 law schools.

The theme of this conference was Legal Writing on the Move to connote the change in host schools, as well as the numerous advancements in our profession, status, and accomplishments. The presentations indicated as much in the tracks that ranged from New Teacher to Innovations to Technology to Empirical Scholarship to Peak Years.

Conference Committee

Jennifer Chiaovaro (Georgia State)
Linda Edwards (Mercer)
Susan Kosse (Louisville)
Laurel Oates (Seattle)
Anne Rector (Emory)
Terry Seligmann (Drexel)
Cliff Zimmerman (Northwestern)

Program Committee

Ken Chestek (Indiana)
Anne Enquist (Seattle)
Tracy McGaugh (South Texas)
Terry Seligmann (Drexel)
Craig Smith (Vanderbilt)
Carol Wallinger (Rutgers-Camden)
Mel Weresh (Drake)
Cliff Zimmerman (Northwestern)

Site Committee

Kathe Burch (John Marshall)
Jennifer Chiovaro (Georgia State)
Linda Edwards (Mercer)

Lucy Jewel (John Marshall)
Laurel Oates (Seattle)
Carol Parker (Tennessee)
Anne Rector (Emory)
Cathy Wharton (Georgia)

Administrative Support

Lori Lamb (Seattle)
Brad Miller (Northwestern)
Yonna Shaw (Mercer)

E-help

Ken Chestek (Indiana) (listserves, e-bibliographies, and e-handouts)
Mimi Samuel (Seattle) (website, e-bibliographies, and e-handouts)
Carol Wallinger (Rutgers-Camden) (idea bank)

Other Administrative and Programmatic Pieces

Dan Barnett (Boston College) (Critiquing Workshop)
Lisa Bliss (Georgia State) (registration)

Teachers, whether new or experienced, directors, and writing specialists found an abundance of stimulating sessions. The conference also featured both an opening and closing plenary.

The opening lunch plenary featured Richard Gale, Senior Scholar, The Carnegie Foundation for the Advancement of Teaching, and Daisy Hurst Floyd, Dean, Mercer University Walter F. George School of Law, and was entitled, Pedagogy, Practice, and Persuasion: Legal Writing and the Case for the Scholarship of Teaching and Learning. The closing plenary featured Larry Krieger, Professor, Florida State University College of Law, who brought closure to the conference in his talk entitled, ACreating the Complete Legal Professional: Balancing Between Stressors and Stress Relief in the Legal Writing Classroom, in which he presented the results of his new research into law student mental health and well-being.

This conference only happened due to the hard work and dedication of many individuals, who are listed below:

Kathe Burch (John Marshall) (registration)
Michele Butts (John Marshall) (registration)
Jennifer Chiaovaro (Georgia State)
Nancy Daspit (Emory) (registration)
Linda Edwards (Mercer)
Phil Frost (Michigan) (survey)
Paula Hamann (John Marshall) (registration)
Lucy Jewel (John Marshall) (Braves' game and registration)
Steve Johansen (brochure)
Kendall Kerew (Georgia State) (registration)
Jim Levy (Nova Southeastern) (mentors)
Sue Liemer (Southern Illinois) (haikus)
Jennifer Mathews (Emory) (registration)
Tracy McGaugh (South Texas) (Passing the Torch lunch)

Debbie McGregor (Indiana) (plenary)
 Curt Nessel (Georgia) (registration)
 Anne Rector (Emory) (Georgia Shakespeare and registration)
 Virginia Richardson (John Marshall) (registration)
 David Ritchie (Mercer) (registration)
 Ruth Anne Robbins (Rutgers-Camden) (Passing the Torch lunch)
 Jennifer Romig (Emory) (Georgia Shakespeare and registration)
 Suzanne Rowe (program review)
 Julie Schwartz (Emory) (registration)
 Scott Sigman (Emory) (registration)
 Heather Slovensky (Georgia State) (registration)
 Susan Wawrose (Dayton) (scholarships)

On-site

Vickie Dye (Georgia State) (catering)
 Samir Majmundar (Georgia State) (AV / tech)
 Bobby Sikri (Georgia State) (AV / tech)
 York Singleton (Georgia State) (facilities)

Students

Will Cantrell (John Marshall)
 Karen Cooper (Emory)
 Ulysses Fisher (John Marshall)
 Allison Hale (Georgia)
 Keith Hayasaka (Georgia State)
 Keith Hill (Georgia State)
 Elizabeth McCree (Georgia State)
 Jan Overton (John Marshall)
 Stacy Perry (Georgia State)
 Javarik Rogers (Georgia State)
 Deborah Schander (Georgia State)
 Mitch Thoreson (Mercer)
 Travis Trimble (Georgia)

Vendor/Contributors

Aspen
 BNA
 CALI
 Carolina Academic Press
 Lexis-Nexis
 Thomson West

On the chance that this list is not all inclusive of everyone who helped, my apologies and thanks to you!

Committee on Cooperation Among Clinical, Pro Bono, and Legal Writing Faculty Report

Sarah Ricks, Rutgers University School of Law - Camden

In 2005, at the suggestion of Ruth Anne Robbins, LWI established a new committee on Cooperation Among Clinical, Pro Bono, and Legal Writing Faculty. The Committee charge is to identify such connections where they exist, to consider how to provide information on what is being done now to members who seek it, and to consider possible projects or future activities by LWI on this subject.

As a first step toward identifying examples of cooperation and spreading the word, the Committee undertook a national e survey of legal writing faculty by drafting a questionnaire and posting it on both Dircon and the LWI Listserv several times throughout the 2005-06 academic year. The questionnaire is below:

1. Do you ever teach or guest lecture in Clinical or Externship courses? If yes, can you briefly summarize why, the topic, and how often?
2. Do other Clinical, Externship, or Pro Bono faculty or administrators or upper-level students address your legal writing classes? If yes, can you briefly summarize why, the topic, and how often?
3. Have you ever designed a legal research or writing assignment based on a real case, issue, or project?
 - a. If so, where did the case come from (e.g., law school clinic or externship? public interest attorneys? your own pro bono work?)
 - b. Did the work done in your class benefit the actual case?
 - c. Can you briefly summarize the assignment(s)?
 - d. Were any other law school faculty (Pro Bono, Externship, Clinic) involved?
4. Have you ever brought your legal writing students to visit the law school's Clinics, Externship, or Pro Bono offices? If yes, can you briefly summarize why and how?
5. Do you ever collaborate with Clinical, Externship, or Pro Bono faculty or administrators or meet with them to discuss legal writing or legal writing teaching? If yes, can you briefly summarize the reasons for the meeting(s) and how often?
6. Do you cooperate/ collaborate with Clinical, Externship, or Pro Bono faculty in any other way? If so, can you briefly explain?
7. Is there any other example of cooperation among the Clinical, Legal Writing, Pro Bono, or externship faculty at your law school that LWI members might want to learn more about?

After receiving more than 70 responses, Susan Wawrose and Sarah Ricks did follow up telephone interviews with many respondents to learn more about how to replicate the collaborations. Susan then organized the information in an outline format. If you did not have a chance to respond to the questionnaire, you are invited to send your responses to Sarah Ricks at sricks@camden.rutgers.edu.

In May 2006, on behalf of the Committee, Susan Wawrose and Sarah Ricks reported survey results to clinical faculty by participating in the AALS Conference on Clinical Legal Education. They were on a panel titled Collaboration Across Law School Programs. In June 2006, Susan and Sarah reported survey results to legal writing faculty as part of a panel at the LWI Conference.

During the 2006-07, the Committee plans to make the survey results more widely available to legal writing faculty and is currently discussing various potential formats.

Ad Hoc Committee Report on Job Postings

Ken Chestek,
Indiana University School of Law–Indianapolis

In response to a job announcement posted on the LWRPROF-L discussion list which appeared to some people to discriminate against some potential applicants, incoming LWI President Susan Kosse appointed an Ad Hoc Committee on Listserv Job Postings. The committee was asked to recommend for the LWI Board's consideration a policy regarding the posting of job announcements on that list. The committee consisted of Ken Chestek (chair), Jason Cohen, Miki Felsenburg, Scott Fruehwald, Kristin Gerdy, Ruth Anne Robbins, Judy Rosenbaum, Nancy Soonpaa, and Robert Volk.

The committee reviewed the lengthy discussion of this issue on LWRPROF-L, and engaged in its own wide-ranging discussion of the possible responses that LWI might make. Options from doing nothing at all to a complete ban of such ads were discussed. The committee concluded that the charge to review just the listserv policy was too limited, in that LWI assists members in job searches in two ways: through the listserv and through the job posting service on the LWI Online website.

After a thorough discussion, the committee made three recommendations to the LWI Board:

1. The LWI should adopt a broad anti-discrimination policy, as follows:

LWI NonDiscrimination Policy

The Legal Writing Institute is committed to a policy against discrimination and in favor of equal opportunity for all of its members regardless of race, color, religion, national origin, sex, age, disability, sexual orientation, or gender identity.

2. The listserv job posting form should be revised to require schools to disclose whether their hiring practices (a) conform to the LWI non-discrimination policy, or (b) complied with ABA Standard 210(e) (which allows schools with religious affiliations to state a preference to hire persons who share those religious beliefs, so long as the school does not actively discriminate against persons with other religious beliefs).
3. Enforcement mechanisms for both the listserv and the LWI Online website were recommended.

The committee's report was presented to the LWI Board for discussion at its retreat, and for action at its business meeting, both prior to the 2006 LWI conference in Atlanta.

Statement by Susan Kosse, LWI President

Following is an excerpt of the text of a message sent to the LWI membership shortly following the conclusion of the LWI meeting in Atlanta:

As President of LWI, I am writing to the LWI membership on behalf of the Board of Directors regarding the question of how the Institute should handle job announcements for law schools that are affiliated with religious institutions and prefer applicants who are members of their religion (or adhere to their religious values in hiring). After struggling on this issue at our last Board meeting, the Board feels that input from the membership would greatly enhance our decision making.

In this message, I will summarize the question as the Board understands it and explain the Board's actions up to this point. At the end of the message, I will explain how the membership can communicate to the Board regarding this question.

SUMMARY OF THE ISSUE.

The question of how to deal with job advertisements expressing a religious preference is difficult and complex. The question implicates fundamental values, such as: freedom from discrimination on the basis of sexual orientation; freedom from discrimination on the basis of the free exercise of religion (both on the part of the posting school and on the part of potential candidates who would not receive the benefit of the preference); the value of free expression and the idea that "the cure for bad speech is more speech;" and the importance of not allowing posts that impugn the dignity of any particular group by singling out that group for negative treatment.

ACTIONS OF THE BOARD.

Last spring, the Board established an ad hoc committee to make recommendations to the Board regarding this issue.

At our June meeting, the Board considered the committee's recommendations and, after a long discussion, took the actions described below, based on the committee's recommendation to allow postings from religiously affiliated schools that comply with the ABA's policy regarding religious institutions. However, soon after the meeting, some members who supported these actions began to feel that we needed more guidance from the membership. Therefore, the Board voted to suspend implementation of the actions taken in June until we have time to consider input from members. Here are the actions that have been suspended:

We adopted a non-discrimination policy that states that the LWI does not allow discrimination against our members based on race, national origin, disability, religion, sex, sexual orientation or gender identity. We voted to allow LWI members to continue to post job ads for their institutions on the listserv if the ad is for an institution that complies with our policy or, if not, does not comply because it uses religion in hiring.

We voted to allow law schools with a religious affiliation to advertise jobs on our website, even if their hiring practices violate our nondiscrimination policy because they use religion in hiring. However, those announcements would be separated from other job announcements with a heading clearly indicating that the institutions do not comply with our nondiscrimination policy because they use religion in hiring.

This was a difficult debate and a very close vote. The alternative proposal would have been the same, except that it would have only allowed institutions whose hiring practices fully conform to our nondiscrimination policy to post ads on the LWI website. Therefore, the schools that use religion in hiring would not have been allowed to post any ads on the LWI website.

The Board fully understands that by suspending our actions, we do not have a policy regarding discriminatory ads currently in effect. That means that discriminatory ads may appear on the listserv and website until we resolve this issue.

The board solicited comments from LWI members, and is presently reviewing them. The matter will be discussed again at the next meeting of the LWI board, currently scheduled for January, 2007.

Report from the New Member Outreach Committee

James B. Levy, Nova Southeastern University Law School

Please join me in congratulating the new Committee Chair, Jennifer Romig of Emory. I'm stepping decided to step aside as Chair in order to help some new people get more involved in LWI committee work. Jennifer has done an outstanding job helping to coordinate several outreach activities over the years, including the new member dinners at the recent Atlanta conference. She will undoubtedly bring lots of enthusiasm and plenty of new ideas on for how to improveing LWI's new member outreach efforts.

In other exciting news, the New Member Outreach Committee is pleased to report that LWI membership has swelled to more than 1,800, reflecting members from more than 22 twenty-two countries. In part, this growth reflects the Institute's continued outreach efforts abroad with activities such as the recent Prague conference.

The Committee also wants to acknowledge the tremendous work over the years by Lori Lamb of Seattle University School of Law, who was responsible for sending out New Member informational packets to everyone interested in joining LWI. We also want to thank Yonna Shaw of Mercer University School of Law, who has done a remarkable job taking over those responsibilities from Lori. The Committee will be examining whether to update the New Member informational packet, which at present consists of LWI's brochure and short readings relevant to new legal writing teachers. If anyone has suggestions for short readings or articles that you think would be

valuable to new members, kindly forward those ideas to Jennifer Romig at jromig@law.emory.edu or Jim Levy at levyj@nsu.law.nova.edu and we'll be more than happy to consider them.

Finally, Betsy Fajans of Brooklyn School of Law and I are updating LWI's brochure, which in the past has been a very valuable outreach tool. The brochure is going to have a new, updated focus reflecting the increasing professionalization of legal writing as a discipline. Look for it this fall or at your next conference.

Outreach-Committee Report

*Joseph Kimble,
Thomas Cooley Law School*



The Legal Writing Institute presented its sixth Golden Pen Award on January 6, 2006, at the annual meeting of the AALS in Washington, D.C. This year's winner was Joseph Williams. The language on the plaque, presented by LWI President Terry Seligmann, read as follows:

"The Legal Writing Institute presents its sixth Golden Pen Award to Joseph M. Williams. His classic book, *Style: Ten Lessons in Clarity and Grace*, now in its seventh edition, has strongly influenced a generation of professional writers. And it has just as strongly influenced and informed the professors who teach the next generation of lawyers for all the lessons that he has taught us, we thank him with this award."

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Joe Williams's longtime friend and colleague, George Gopen, introduced Joe with some comments about his principles for clear writing and his extraordinary influence in the field. During his remarks, Joe briefly demonstrated how the principles he advocates might—or might not—apply to the Declaration of Independence.

Like the previous award

ceremonies, this one was well-attended and well-received by LWI members.

The plans for the seventh award were momentarily disrupted by the AALS decision to move the 2007 meeting from San Francisco to D.C. The Outreach Committee had recommended, and the Board had approved, giving the award to the judges who successfully simplified

California's civil and criminal jury instructions. But the judges have now agreed to attend the event in D.C., so we will go ahead with the award on January 5th.

The members of the Outreach Committee are Joe Kimble (chair), Sue Liemer, Lou Sirico, Susan Thrower, Catherine Wasson, Mark Wojcik, and Chris Wren.

Joint ALWD/LWI Survey Committee Report

*Philip Frost, University of Michigan Law School
Ken Chestek, Indiana University School of Law—Indianapolis*

Committee Co-Chairs and Members.

The Committee Co-Chairs are Phil Frost and Ken Chestek. Committee Members are Nancy Soonpaa, Molly Current, J. Lyn Goering, Karen Koch, Judy Rosenbaum, Jean Rosenbluth, and Catherine Wasson. The ALWD Board Committee liaison is Kristin Gerdy, and the LWI liaison is Ken Chestek.

Committee Activities and Schedule.

In the fall of 2005, the Committee reviewed and made changes to the 2005 Survey questions. The Committee Chairs also conferred by telephone with Lewis Downey and Adrian Dunston of Cicada Consulting, our Survey organization, about plans for the 2006 survey. We polled the ALWD and LWI listservs for new hot topic areas and determined to use hot topic questions in three areas: the teaching of nonlitigation drafting; programs which use fellows to teach LRW; and actions of schools in response to revised ABA Standard 405(c). We finalized the survey revisions and hot topics and conveyed them to Cicada in February, 2006. In January and February, 2006 we revised and updated the list of prospective

survey respondents, and emailed or telephoned all such respondents. In February we gave Cicada a final complete list of 2006 Survey usernames and passwords. Following authorization in January by the ALWD and LWI Boards, we arranged for Cicada to implement a feature to autopopulate responses so that survey respondents could see their prior year's responses, and use or modify those responses for the current survey. This entailed an additional one-time fee which LWI and ALWD agreed to split. We launched the survey on March 15, 2006, with a closing date of April 5, 2006. That closing date was extended into the week of April 10 to accommodate some later responses. As indicated in the Survey Results, we had a record number and percentage of responses—184 of 194 schools, or over 94%. In April and May, Ken Chestek compiled the survey-response data, and the Committee reviewed and edited the Survey Results.

Budget Authorization for Survey and Autopopulating Responses.

The Committee was advised in 2005 that ALWD and LWI had agreed that ALWD would fund this year's base-survey cost, and that ALWD and LWI would split the cost of installing the autopopulating function. The base cost for this year's survey per the 2004 Survey Services Agreement with Cicada included a \$2,300 hosting fee plus a \$1,625 fee for service hours in connection with ordinary survey administration.

The Committee received from Cicada and forwarded to the Boards of ALWD and LWI invoices for these amounts, plus an invoice for \$2,000 for the creation of the autopopulating function. The Committee understands that ALWD and LWI have paid these amounts to Cicada.

Other Issues.

The Committee does not at this time anticipate other issues or projects in connection with the 2006 survey, other than finalizing arrangements to make the Survey Results available and compiling notes for further revisions to the 2007 survey.

2007 Survey.

Subject to the Boards' approval, Phil Frost and Ken Chestek have agreed to co-chair the Survey Committee again for next year. Over the summer and fall we plan to explore the possibility of modifying future reports to report median values, rather than mean values, for at least some of the questions. Median values for 2006 have been calculated but not reported, and the raw data exists for 2004 and 2005 to convert those values to medians for the sake of comparison, if the Committee concludes that median values would be more useful numbers.

We welcome any comments from either Board regarding the 2007 survey.

Website Committee Report

Mimi Samuel, Seattle University School of Law



Status:

The Website Committee currently consists of Mimi Samuel (chair and website manager), Ken Chestek, Marci Smith, and Kristin

Gerdy (ex officio). The Committee receives technical and administrative support from Karla Luce and Lori Lamb respectively, both of Seattle University School of Law. Recent projects include organizing and posting bibliographies and handouts for the 2006 LWI conference. (The Idea Bank for the 2006 conference, however, is not hosted by the LWI website.) In addition, Marci has collected grading rubrics, which we are currently organizing and hope to get posted over the coming summer.

Issues

Coordination with Board and Committee Chairs: To keep the website as current as possible, the Website Committee needs to have a more structured communication system for gathering information from the Board and the Committee Chairs. Several possible ways exist to do this: (1) we could assign each member of the Website Committee as a liaison to one or more committees to keep up with their activities; (2) conversely, each committee could designate a liaison to the Website Committee to report on that committee's activities; and/or (3) we could have a listserv of the committee chairs and a Board Representative which could be used for announcing important changes and information to be posted.

Changes to Structure: This year, for the first time, I have received a number of questions from members who could not easily find information, particularly information relating to the LWI conference. In light of these issues, I have reviewed the structure of the site and it seems that the main menu (the gray bar down the left side of the site) could be restructured to make it easier for members to find information. I have set out a proposed revised menu on Appendix A.

Additions and Deletion from the Site:

- 1) I suggest that the "Members News" section of the site be discontinued. First, it is difficult to keep the section up-to-date given the size of the membership and the amount of news. Second, it is difficult to make the decision of what is sufficiently newsworthy to post on the site (i.e., individual promotions or status changes, institutional status changes, publications, awards, etc.)

Moreover, given that there are several sites and publications that provide news to the legal writing community, I think that this page is superfluous. First, most news is broadcast on the LWI listserv. Second, that news is generally posted on the Legal Writing Prof Blog (run by Nancy Soonpaa and Sue Leimer), which, from a technical perspective, is a more appropriate vehicle for posting rapidly changing news. That is, blogs are generally updated on a regularly basis and old news simply moves to the bottom of the blog and eventually is archived; the LWI site, on the other hand, is not structured to be changed on a regular basis, and old news must be taken down. In addition, members have the opportunity to submit their own news to publications including The Second Draft and the AALS Section on Legal Writing Newsletter. These publications come out on a regular basis and generally solicit member news before publication.

- 2) It has been suggested that we add an FAQ section to the website. This is an easy feature to add. The Committee, however, would like some guidance from the Board in the types of questions to be included. For example, should it focus primarily on LWI as an organization, what it does and how it functions, or should it address more general questions relating to the teaching of legal writing? A list of sample questions would be helpful.

- 3) It has also been suggested that we add a problem bank of exercises that casebook faculty could use in their courses and that we ask our members to get casebook faculty at their schools to submit exercises. Again, this not a difficult feature to implement, but with other “banks,” such as the syllabus bank and the grading rubrics (to be posted), we have to make sure that we periodically update the materials to keep them current. In addition, we would need to consider whether we and/or the authors of the exercises would want the materials to be accessible to anyone. While we have password-protected the Idea Bank, it does not seem feasible to password-protect materials that are intended to be used by individuals who are not members of LWI.

Appendix A

About LWI

- President’s Welcome (currently “LWI Homepage”)
- Current News (currently “Headlines” under News)
- Membership–Join LWI About LWI (currently “Background”)
- History Board of Directors Committees and Reports By-Laws Current Member Directory (currently “Current Members”)
- Legal Writing Listservs (currently under Resources)
- Contact LWI.

Conferences

- LWI Biennial Conference (currently “Conference Information” under Activities) (we would move “Conference Bibliographies” and “Speaker Videos” to be subsidiary pages of the main conference page)
- Regional LWI Conferences (currently “Conference News” under News)

LWI Publications

- The Second Draft LWI Journal

Resources

- Plagiarism Brochure (change to Plagiarism Resources?)
- Syllabus Bank ALWD Citation Rules Grading Rubrics (to be added)
- Useful Links (move links to Association of Writing Specialists, AALL, AALS, ABA, etc. to a separate page)

Employment Listings

LWI Store

ALWD/LWI Survey

- Survey Data
- InputSurvey Results

Publications and Promotions

Ben Bratman (Pittsburgh) has been promoted to Associate Professor of Legal Writing and, accordingly, granted a long-term contract. Under existing faculty rules, that contract will be for three years; however, the faculty has approved the conversion of three-year contracts into five-year contracts, and upon the Provosts' approval of that conversion, Ben will receive a five-year contract. He teaches Legal Writing, Employment Discrimination, and a for-credit bar exam preparation course.

Leah Christensen (St. Thomas) will publish two articles in the fall of 2006: *Going Back to Kindergarten: Applying the Principles of Waldorf Education to Create Ethical Attorneys* (forthcoming in *Suffolk University Law Review*); and *Unmasking the Cognitive Mysteries of Case Analysis* (forthcoming in *Florida Coastal Law Review*). She will also present at the AALS, Section on Academic Support, on the topic of the *Cognitive Mysteries of Case Analysis*, in January of 2007.

Linda Edwards (Mercer) was appointed to an endowed professorship. As of July 1, 2006, Linda will hold "The Macon Chair in Law." She will be one of only six chaired professors at her law school and the first woman named to an endowed position.

Lisa McElroy (Southern New England), whose visitorship was converted to a regular faculty position in July, is now on the tenure track. Her new book, *Alberto Gonzales, Attorney General*, was published this spring by Lerner Books. Her next book, *John G. Roberts, Jr.: Chief Justice*, is due out this fall from Lerner Books.

Joe Kimble (Thomas Cooley) finished his work as the drafting consultant on the project to redraft the Federal Rules of Civil Procedure. They will be considered by two other federal committees before going to the Supreme Court. He wrote a "guiding principles" memo that accompanied the rules when they were published for comment. Joe also testified before the House Subcommittee on Regulatory Affairs

regarding a bill (H.R. 4809) to require plain language in federal regulations. Finally, he has been named the executive director of *Scribes*.

Laurel Currie Oates (Seattle) published an article, *Leveling the Playing Field: Helping Students Succeed by Helping them Learn to Read as Expert Lawyers*, in 80 *St. John's L. Rev.* 227 (Winter 2006).

Laurel Currie Oates and **Anne Enquist** (Seattle) published a book, *The Legal Writing Handbook, Fourth Edition* (Aspen 2006).

Laurel Currie Oates and **Mimi Samuel** (Seattle) published an article, *From Oppression to Outsourcing: New Opportunities for Uganda's Growing Number of Attorneys in Today's Flattening World*, in 4 *Seattle J. for Social Justice* 835 (Spring 2006).

Lisa Penland (Drake) has been promoted to Associate Professor of Law, a long-term contract position.

Sarah Ricks (Rutgers) published several articles: *The Perils of Unpublished Non-precedential Federal Appellate Opinions: A Case Study of the Substantive Due Process State-Created Danger Doctrine in One Circuit* in the *Washington Law Review*; *Evolution of a Doctrine: The Scope of the Parental Liberty Interest Protected by Substantive Due Process after McCurdy* in *Rutgers Journal of Law & Urban Policy*; and *Teaching 1L's to Think Like Lawyers by Assigning Memo Problems with No Clear Conclusions* in *Perspectives*. Sarah and **Susan Wawrose**, on behalf of the LWI Committee on Cooperation Among Pro Bono, Clinical, and Legal Writing Programs (a new committee suggested by Ruth Anne Robbins), presented on "Collaboration Across Law School Programs" at the 2006 AALS Conference on Clinical Legal Education. Sarah was named to the Board of the Women's Law Project, a Pennsylvania feminist advocacy group.

Louis Schulze (Suffolk) presented *Whether and How to Integrate Transactional Drafting Instruction into the Required LRW*

Curriculum at the LWI Conference in June. A law review article based on this presentation and funded by the ALWD Grant is forthcoming.

Danielle Shelton (Drake) has been promoted to Associate Professor of Law, a long-term contract position.

Marilyn Walter (Brooklyn) published an article, *Trafficking in Humans: Now and in Herman Melville's Benito Cereno*, in 12 Wm. & Mary J. Women & L. 135 (2005).

Susan Wawrose (Dayton) was promoted to Professor of Lawyering Skills; the position comes with renewable five-year contracts.

Ursula Weigold (St. Thomas) published an article entitled *The Attorney-Client Privilege as an Obstacle to the Professional and Ethical Development of Law Students* in 33 Pepperdine L. Rev. 677 (2006). She has joined the lawyering program at Cornell Law School as a Visiting Lecturer.

Melissa Weresh (Drake) has been promoted to Professor of Law, which comes with a five-year presumptively renewable contract. She remains the Assistant Director of Legal Writing. She also published *Legal Writing: Ethical and Professional Considerations* (LexisNexis 2006).

Program News

The **Arkansas School of Law** welcomes Visiting Clinical Professors Karen Koch and Angie Doss to the LRW faculty for 2006-07. Karen has been teaching at Hamline University School of Law, and is the author of *A Multidisciplinary Comparison of Rules-driven Writing: Similarities in Legal Writing, Biology Research Articles, and Computer Programming*, 55 J. Legal Educ. 234 (2005). Angie Doss is an experienced Fayetteville practitioner who specialized in workmen's compensation matters. This spring she taught a section of Drafting Legal Documents at the law school.

Additionally, the faculty voted to adopt five-year presumptively renewable long-term appointments for our LRW and Clinical (COLTA) faculty, changing from three years, in response to the new ABA Interpretation. At the same time, the faculty charged a special committee with reviewing other options to increase the job security and academic freedom for our LRW and Clinical faculty. In April, the faculty voted overwhelmingly in support of the writing program.

Finally, during 2006-07, the experienced members of our LRW faculty, Professors Kim Coats, Ann Killenbeck, and Kathryn Sampson, will share administrative responsibilities and the program will not have a formal director. The faculty has also voted not to seek to hire a director when hiring for the 2007-08 academic year.

Brooklyn Law School hosted a symposium entitled *Teaching Writing and Teaching Doctrine: A Symbiotic Relationship?* on February 17, 2006. The Symposium celebrated the twenty-fifth anniversary of the Legal Writing Program at Brooklyn Law School.

The panelists were:

- Professor Carol Parker (Tennessee), *Writing Across the Curriculum: Theoretical and Practical Justifications*;
- Professor Pamela Lysaght (Detroit Mercy), *Developing Writing Skills in a Doctrinal Course*;
- Professor Eric Goldman (Marquette), *Teaching Drafting Skills in a Specialized Context*;
- Professor Elizabeth Fajans (Brooklyn), *Adding a Writing Practicum to a Doctrinal Course*;
- Professor Philip Meyer (Vermont), *Teaching Narrative Skills to Enhance Advocacy*; and
- Professor Claire Kelly (Brooklyn), *Teaching Scholarly Writing*.

Papers presented at this symposium will be published in the Journal of the Legal Writing Institute.

At **Cleveland-Marshall College of Law**, two Legal Writing professors, Sandra Kerber and Karin Mika, applied for and received five-year appointments. Four of our Legal Writing faculty now have job security with 405(c) status. The faculty also voted to allow Legal Writing Professors to apply for summer research grants, in addition to the teaching grants offered to all faculty for the first time last year. Since that vote, four Legal Writing professors applied and received grants for this summer. Additionally, the faculty voted to allow clinical and legal writing faculty to vote for Dean candidates and receive Emeritus status when retiring. The Emeritus status must yet be approved by the University Faculty Senate.

John Marshall Law School—Atlanta has expanded its Legal Writing program to encompass legal skills. John Marshall's Legal Writing faculty now hold the title "Professor of Legal Skills" and teach legal writing alongside skills courses such as negotiation, mediation, trial advocacy, and client interviewing and counseling. John Marshall Law School—Atlanta also welcomes three new Professors who will begin teaching this Fall: Elizabeth Jaffe, Kamina Pinder, and Kimberly Rountree.

John Marshall Law School—Chicago will host the Global Legal Skills Conference, an international conference on the specialized and professional needs of students who speak English as a Second Language (ESL) and lawyers on May 4-5, 2007. An increasing number of law schools are enrolling ESL law students. These students have specialized academic and professional needs that often go unrecognized and unaddressed by law schools.

The conference is designed for legal writing professors and program directors who have ESL students, legal writing professors who teach (or who want to teach courses abroad such as "Introduction to Legal English" or "Orientation to U.S. Law"), teachers in intensive English language programs for law or business, writing advisors who work with international students, international student advisors, ESL teachers who may not have extensive law training but who are called upon to teach law students, lawyers, and business people who deal with legal issues, court translators, and graduate students who are learning to teach ESL.

The 2007 Conference will carry forward the discussion from 2005, and also include:

- Specialized writing courses for M.S., M.C.J., J.D., LL.M., and S.J.D. students who speak English as a second language;
- Effective research strategies for LL.M. students from civil law countries;
- Course materials, textbooks, and assignments for ESL students;
- TESOL resources for non-TESOL members;
- Intensive English programs for Legal English;

- Teaching "Legal Spanish" in the United States;
- Finding academic support for second language students;
- Special concerns of international student advisors; and
- For court translators and others, a special workshop on the special problems in translating legal terms and concepts in a courtroom, deposition, or jailhouse setting.

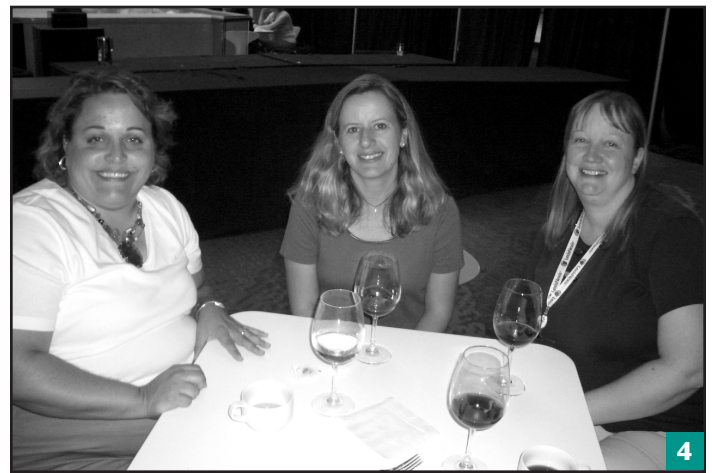
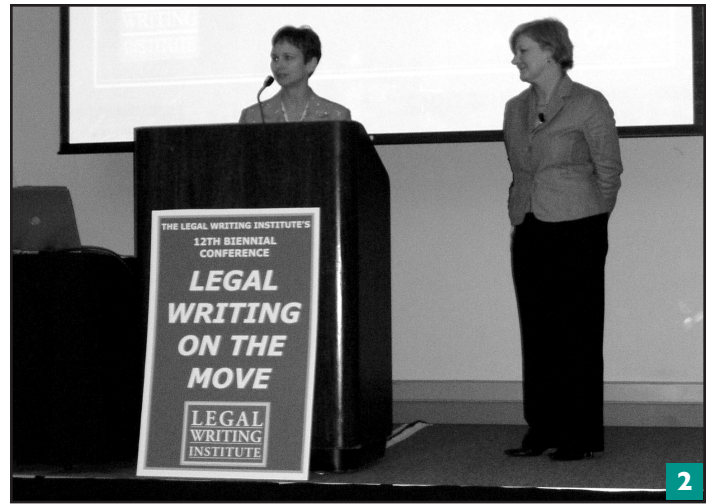
Individuals can submit proposals for papers, presentations, and panels by sending an email to the Conference Chair, Professor Mark E. Wojcik, at The John Marshall Law School in Chicago at 7wojcik@jmls.edu. The deadline for submissions is Thursday, January 18, 2007. Individuals are also invited to become members of the Conference

Planning Committee. To volunteer, please contact Professor Molly Lien, Director of the Writing Program at The John Marshall Law School, at 7lien@jmls.edu. Information on registration and hotels will be available in January.

At **The University of Oregon**, the law faculty voted unanimously to make five-year contracts available to senior legal writing professors. Additionally, the law school hosted the first Oregon Colloquium on Legal Writing on May 12, 2006. Colleagues from the three Oregon law schools—Willamette, Lewis & Clark, and Oregon—gathered in Eugene for a half-day of presentations and roundtable discussions.

Villanova Law School hired Candace Mueller Centeno and David S. Santee as Assistant Professors of Legal Writing.

Pictures from the Conference



1. Susan Rabe and Mary Beth Beazley
2. Linda Edwards
3. From left to right, Susan Smith Bakhshian, Lisa McElroy and Jean Boylan
4. From left to right, Kirsten Davis, Amy Langenfeld and Tamara Herrera from Arizona State University
5. At the aquarium

The Second Draft

Next issue: "From Law Student to Lawyer: Classroom Preparation for the Practice of Law" will be published in December, 2006.

2007 LWI Conference

July 2008, University of Indianapolis

Regional Conferences

On November 10, 2006, Mercer Law Review will host a symposium on law and metaphor. Speakers will include Mark Johnson, Michael Smith and Steven Winter. For more information please contact David Ritchie at ritchie_dt@mercer.edu.

The Rocky Mountain Legal Writing Conference will be held at the University of Nevada, Las Vegas, in March, 2007.

John Marshall Law School in Chicago will host the Global Legal Skills Conference, an international conference on the specialized and professional needs of students who speak English as a Second Language on May 4-5, 2007.

On May 17-18, 2007, Chicago-Kent College of Law in Chicago, Illinois will host "Back to the Future of Legal Research" to continue the conversation on issues covered in Spring 2005's conference on "The Future of Legal Research."

AALS Conference - Washington D.C.

January 3-6, 2007

Section on Legal Writing, Reasoning and Research:

Thursday, January 4, 2007, 10:30 a.m. - 12:15 p.m.

Topic: When Worlds Collide: Exploring Inter-Relationships and Collaboration Between Clinicians and Legal Writing Teachers in Teaching and Scholarship

Friday, January 5, 2007, 12:15 p.m. Section Luncheon

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**The next LWI Conference will be
held in Indianapolis, IN in 2008.**
We hope to see you there!